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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,922	11/21/2003	Monte Ross	MKL-002	2392

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,922

Applicant(s)

ROSS ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-811-25,28-36 is/are rejected.
- 7) ☒ Claim(s) 9,10,26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 2, 6, 7, 11-14, 18, 19, 23, 24, 28-33, 35, 36 are rejected under 35

U.S.C. 102(a) as being anticipated by Leung (2003/0093314).

As to claim 1, Leung teaches a system for distributing electronic coupons (figure 3), comprising:

a plurality of wireless mobile terminals;

a customer profile database for storing a plurality of customer profiles corresponding to the wireless mobile terminals; and

a server, operatively coupled to the customer profile database and communicating with the wireless mobile terminals over a network, for selectively transferring one or more electronic coupons to at least one of the wireless mobile terminals based on a comparison between the customer profiles and seller filtering criteria.

As to claim 2, Leung teaches the system of claim 1, further comprising:

means for determining the current location of each of the wireless mobile terminals and storing data representing the current location in the customer profile database (figure 5, 502).

As to claim 6, Leung teaches the system of claim 1, wherein the seller filtering criteria includes a maximum distance between the physical location of the seller and a potential customer (paragraph 0038-0038).

As to claim 7, Leung teaches the system of claim 6, further comprising an application for computing the distance between the current location of each of the wireless mobile terminals and the physical location of the seller and for selecting those wireless mobile terminals within the maximum distance (paragraph 0037-0038).

As to claim 11, Leung teaches the system of claim 1, further comprising:
a seller interface, operatively coupled to the server, for permitting sellers to enter the seller filtering criteria (paragraph 0037-0038).

As to claim 12, Leung teaches the system of claim 1, wherein the seller filtering criteria includes parameters selected from the group consisting of service type, goods type, latest arrival time, coupon expiration date, coupon expiration time, discount amount, coupon offer, seller physical location, landmark information, and any combination of the foregoing (paragraph 0037, 0038).

As to claim 13, Leung teaches the system of claim 1, wherein each of the customer profiles includes data selected from the group consisting of static data, dynamic data and any combination of the foregoing (figure 6B).

As to claim 14, Leung teaches the system of claim 13, wherein the static data includes data selected from the group consisting of name, customer ID, association membership, diet preferences, age, gender, allergies, hobbies, home address, email address, and any combination of the foregoing (figure 6B).

As to claim 15, Leung teaches the system of claim 13, wherein the dynamic data includes current location, time of-day, calendar date, time of arrival, and any combination of the foregoing (paragraph 0039).

As to claim 16, Leung teaches the system of claim 1, wherein each of the wireless terminals includes a display for presenting the electronic coupons to a seller from redemption (figure 13A-D).

As to claim 18, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 19, the claim is a system claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 23, the claim is a system claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 24, the claim is a system claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 28, the claim is a system claim of claim 11; therefore, the claim is interpreted and rejected as set forth as claim 11.

As to claim 29, the claim is a system claim of claim 12; therefore, the claim is interpreted and rejected as set forth as claim 12.

As to claim 30, the claim is a system claim of claim 11; therefore, the claim is interpreted and rejected as set forth as claim 11.

As to claim 31, the claim is a system claim of claim 12; therefore, the claim is interpreted and rejected as set forth as claim 12.

As to claim 32, the claim is a system claim of claim 13; therefore, the claim is interpreted and rejected as set forth as claim 13.

As to claim 33, the claim is an apparatus of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 35, Leung teaches the wireless mobile terminal of claim 33, wherein the application stores the electronic coupon in the memory (figure 13A-E).

As to claim 36, Leung teaches the wireless mobile terminal of claim 33, wherein the application includes means for allowing a user to enter information into a customer profile stored in a database accessible by way of the packet network (figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3, 8, 20, 25, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of Dukach (US 2004/0036622).

As to claim 3, Leung teaches the system of claim 2, Leung fails to teach the determining means includes a global positioning system (GPS) subsystem in each of the mobile wireless terminals and an application in each of the mobile wireless terminals for transferring the location indicated by the GPS subsystem to the customer profile database. Dukach teaches the determining means includes a global positioning system (GPS) subsystem in each of the mobile wireless terminals and an application in each of

the mobile wireless terminals for transferring the location indicated by the GPS subsystem to the customer profile database (figure 1, 146). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dukach into the system of Leung in order to transfer its location to the server database.

As to claim 8, the combination of Leung and Dukach teaches the system of claim 1, wherein the seller filtering criteria includes a latest arrival time (Dukach paragraph 360).

As to claim 20, the claim is a system claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 25, the claim is a system claim of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 34, the claim is an apparatus claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

3. Claim 4, 5, 17, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung.

As to claims 4, 5 and 17, Leung teaches the system of claim 2, Leung fails to teach the determining means includes an application for determining the current location based on a base station identifier associated with each of the wireless mobile terminals and an application for determining the current location based on a base station RF triangulation method performed by wireless network infrastructure and the electronic coupon displays a barcode capable of being scanned by the seller. However,

the examiner takes Official notices that these reciting limitations are known in the arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of these reciting limitations into the system of Leung in order to locate the mobile station.

As to claims 21 and 22, the limitations are the same as limitations of claims 4 and 5; therefore, the claims are interpreted and rejected as set forth as claims 4 and 5.

Allowable Subject Matter

Claims 9, 10, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 9 and 26, the teaching of prior arts either combine or alone fails to teach means for determining the travel times between the current locations of the wireless mobile terminals and the seller's physical location, means for determining estimated arrival times for the wireless terminal based the travel times and means for transferring the electronic coupons only to those wireless mobile terminals having an estimated arrival time prior to the latest arrival time.

Dependent claims 10 and 27 are objectable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Rankin (US 2003/0100315) teaches location based delivery of service data.

B. Gobburu et al (US 2002/0060246) teaches method and apparatus for acquiring, maintaining, and using information to be communicated in bar code form with a mobile communication device.

C. Hendrey et al (US 2002/0102993) teaches method and system for analyzing advertisement delivered to a mobile unit.

D. Lefeber et al (US 2002/0046299) teaches method and system for location independent and platform independent network signaling and action initiating.

E. Bloebaum et al (US 2002/0183070) teaches method and system for GPS bit-edge synchronization in the presence of burst mode interference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

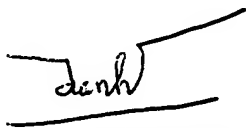
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Danh", is written over a horizontal line.

December 8, 2005.

DANH CONG LE

PATENT EXAMINER